

Article - Public Safety

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§13-401.

- (a) (1) The National Guard consists of:
 - (i) the units of the organized militia allocated to the State by the United States Department of Defense that are supported wholly or partly by federal funds; and
 - (ii) individuals transferred with the approval of the Governor to the National Guard by federal authorities to complete a reserve service obligation imposed by federal law.
- (2) The inactive National Guard consists of officers and enlisted individuals commissioned in, enlisted in, or transferred to the inactive National Guard.
- (3) An individual transferred to the National Guard is considered a member of the National Guard whether or not the individual executed the oath prescribed by § 13-206 of this title.
- (b) The National Guard and its units shall be organized as prescribed for the United States Army or United States Air Force, subject in time of peace to general exceptions that the Secretary of the Army or the Secretary of the Air Force authorize.
- (c) If the National Guard or any of its units are ordered into active military service of the United States by the President of the United States, the Governor may increase the military force and organize those units as the emergency requires.

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